

Regular Session, 2012

SENATE BILL NO. 495

BY SENATOR LONG

WATER QUALITY. Revises the membership and powers and duties of the Ground Water Resources Commission. (8/1/12)

AN ACT

To amend and reenact R.S. 36:359(K) and (L) and 802.18, and R.S. 38:3076(A)(24), 3087.136(4), 3087.266(A)(1), 3097.2(3), and the introductory paragraph of 3097.4(A), (D)(4),(5), and (6), and 3097.7, and to enact R.S. 38:3097.4(20) and (D)(7), relative to the Ground Water Resources Commission; to change the name of the Ground Water Resources Commission; to provide for additional members to the commission; to provide for the powers and duties of the commission; to change the name of the Ground Water Management Advisory Task Force; to provide for the study of the surface waters of the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:359(K) and (L) and 802.18 are hereby amended and reenacted to read as follows:

§359. Transfer of agencies and functions to Department of Natural Resources

* * *

K. The ~~Ground~~ Water Resources Commission as provided in R.S. 38:3097.1 through 3097.6 shall be placed within the office of conservation, Department of Natural Resources, and shall exercise its powers, duties, functions, and

responsibilities as provided in R.S. 36:802.18.

L. The ~~Ground~~ Water Management Advisory Task Force shall be placed within the office of conservation, Department of Natural Resources, and shall perform its powers, duties, functions, and responsibilities in the manner provided by law.

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§802.18. Transfer; ~~Ground~~ Water Resources Commission

The ~~Ground~~ Water Resources Commission placed in the office of conservation, Department of Natural Resources, by R.S. 36:359(K) shall exercise and carry out all powers, duties, functions, and responsibilities as provided by R.S. 36:802, except that the commission's powers, duties, functions, and responsibilities are in the nature of policymaking and adjudication. The commission shall continue to exercise all advising powers, duties, functions, and responsibilities provided by law.

Section 2. R.S. 38:3076(A)(24), 3087.136(4), 3087.266(A)(1), 3097.2(3), the introductory paragraph of 3097.4(A), and (D)(4),(5) and (6), and 3097.7 are hereby amended and reenacted and R.S. 38:3097.4(20) and (D)(7) are hereby enacted to read as follows:

§3076. Powers of the board

A. The board shall work with the commissioner of conservation in his responsibilities to do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging subsidence of the land surface caused by withdrawal of groundwater within the district. In conjunction with the commissioner of conservation, the board shall have authority to do, as required, the following:

* * *

(24) To advise and consult with the commissioner of conservation and the ~~Ground~~ Water Resources Commission on matters that impact water resources within the board's jurisdiction.

* * *

The board shall conduct a study and survey of the groundwater resources in the district, including but not limited to consideration of what is necessary or advisable to conserve groundwater resources and where appropriate, prevent or alleviate damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation. For this purpose, the board shall hold hearings and may:

* * *

(4) Advise and consult with the commissioner of conservation and the Ground Water Resources Commission on matters that impact water resources within the board's jurisdiction.

* * *

A. In order to secure the best results for the operation and maintenance of the district and to prevent damage to the district by misuse of any works, improvements, or properties or by the pollution by solid or liquid substance or misuse of the waters of the district or any water body therein, the board of commissioners may make and enforce such rules and regulations as it shall deem necessary and advisable:

(1) To manage and control surface and groundwater levels in the district. Any rule or regulation promulgated by the district pertaining to the management and control of groundwater levels shall be subject to approval by the ~~Ground Water~~ Resources Commission.

* * *

CHAPTER 13-A-1. ~~GROUND~~ WATER RESOURCES MANAGEMENT

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Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

* * *

(3) "Commission" shall mean the ~~Ground~~ Water Resources Commission, established by R.S. 38:3097.4.

* * *

§3097.4. ~~Ground~~ Water Resources Commission; membership; powers and responsibilities

A. The ~~Ground~~ Water Resources Commission is hereby created and shall be composed of the following members:

* * *

(20)(a) The chairman of the House Committee on Natural Resources and Environment, or his designee, shall serve as an ex-officio nonvoting member.

(b) The chairman of the Senate Committee on Natural Resources, or his designee, shall serve as an ex-officio nonvoting member.

(c) The chairman shall not be counted as part of the total membership of the commission for purposes of determining the number of members necessary to constitute a quorum but, if present, they shall be counted as members for purposes of establishing a quorum for the particular meeting.

* * *

D. The commission shall have the authority to do the following:

* * *

(4) Evaluate the state's surface water resources including current and projected demands; inventory of the state's surface water supplies; identify technical research and previously developed information on surface water; identify potential future deficit areas; study alternatives to surface water use including treatment and transmission systems, and reclamation; investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs.

~~(4)~~**(5)** Review the contingency plan developed by the commissioner to respond to a ground water emergency.

~~(5)~~**(6)** The commission may direct the commissioner to promulgate rules and

1 regulations for the appointment or designation of up to five regional bodies based on
2 the general location of major aquifer systems and water sources of the state and
3 composed of local stakeholders who are representative of current users. Such bodies
4 may gather data and provide local input to the commission and the commissioner.

5 ~~(6)~~(7) At their discretion, attend all public meetings called by the
6 commissioner pursuant to his power and duties in this Chapter.

7 * * *

8 §3097.7. ~~Ground~~ Water Management Advisory Task Force

9 A. A comprehensive ~~ground~~ water management program must continue to
10 be developed and implemented. To that end, there is hereby created a ~~Ground~~ Water
11 Management Advisory Task Force with membership as follows:

12 * * *

13 B. The ~~Ground~~ Water Management Advisory Task Force shall assist the
14 commissioner of conservation and the ~~Ground~~ Water Resource Commission in
15 continuing to develop a statewide ~~ground~~ water resource management program.
16 Such ground water management program shall include but not be limited to
17 evaluation of the state's ground water resources including current and projected
18 demands on the aquifers of the state; development of a water use conservation
19 program; study of alternatives to ground water use, such as surface water to include
20 treatment and transmission system, and reclaimed water; incentives for conservation;
21 use of alternative technologies; and education and conservation programs. The plan
22 should stress conservation as the primary mechanism for the protection of the state's
23 ground water resources.

24 **C. The Water Management Advisory Task Force shall assist the Water**
25 **Resources Commission in its duty to evaluate the state's surface water resources**
26 **including current and projected demands; inventory of the state's surface water**
27 **supplies; identify technical research and previously developed information on**
28 **the surface water; study water use conservation; identify potential future deficit**
29 **areas; study alternatives to surface water use including treatment and**

transmission systems, and reclamation; investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs.

~~C.D.~~(1) Fifteen members of the task force shall constitute a quorum. A quorum being present, the favorable vote of at least ten members of the task force or a simple majority of the total membership present, whichever is greater, shall be required for the commission to take action on any matter.

(2) The task force shall meet at least once per year, or more frequently as necessary. The task force shall report to the commissioner and the commission periodically on the activities and progress of the task force on continuing to develop the comprehensive ~~ground~~ water management program.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

DIGEST

Proposed law changes the name of the Ground Water Resources Commission to the Water Resources Commission.

Proposed law adds the chairmen, or their designees, of the House Committee on Natural Resources and Environmental and Senate Committee on Natural Resources as ex-officio nonvoting members. Proposed law further provides that the chairmen shall not be counted in determining a quorum, but when present, shall be counted as members to establish a quorum.

Present law requires the commission to develop a statewide ground water resource management program that shall include the evaluation of current and future demands for ground water, develop a conservation program, study alternatives to ground water use, and use of alternative technologies and to hold public hearings and consult with local governmental entities in the development of such programs.

Proposed law requires the commission to evaluate the state's surface water resources including current and projected demands; inventory the state's surface water supplies; identify technical research and previously developed information on surface water; study alternatives to surface water use including treatment and transmission systems; and reclamation; investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs. Further provides that the evaluation should stress fostering efficient and productive use of the total water supply of the state in a sustainable manner in the satisfaction of economic, environmental, and other social goals.

Proposed law changes the name of the Ground Water Management Advisory Task Force to the Water Management Advisory Task Force.

Present law requires the task force to develop a statewide ground water resource management program.

Proposed law requires the task force to assist the commission in its duty to evaluate the state's surface water resources including current and projected demands; inventory the state's surface water supplies; identify technical research and previously developed information on surface water; study alternatives to surface water use including treatment and transmission systems; and reclamation; investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs. Further provides that the evaluation should stress fostering efficient and productive use of the total water supply of the state in a sustainable manner in the satisfaction of economic, environmental, and other social goals.

Effective August 1, 2012.

(Amends R.S. 36:359(K) and (L) and 802.18, and R.S. 38:3076(A)(24), 3087.136(4), 3087.266(A)(1), 3097.2(3), 3097.4(A)(intro para), (D)(4), (5) and (6), and 3097.7; adds R.S. 38:3097.4(20) and (D)(7))